



ORDER OF DETERMINATION
May 27, 2014

DATE THE DECISION ISSUED
May 19, 2014

CASE TITLE – WILLIAM CLARK V. DENNIS HERRERA, JACK SONG AND GABRIEL ZITRIN, CITY ATTORNEY'S OFFICE (File No. 14019)

FACTS OF THE CASE

William Clark (Complainant) made a complaint alleging that Dennis Herrera, Jack Song and Gabriel Zitrin, City Attorney's Office (Respondent), violated provisions of the Sunshine Ordinance by failing to respond to a January 29, 2014, request for public records.

COMPLAINT FILED

On February 17, 2014, Mr. Clark filed a complaint against Dennis Herrera, Jack Song and Gabriel Zitrin, City Attorney's Office, alleging that the City Attorney's Office failed to respond to his request for public records.

HEARING ON THE COMPLAINT

On May 19, 2014, Mr. Clark appeared before the Task Force and presented his claim. Gabriel Zitrin, City Attorney's Office, presented the department's defense.

The issue in the case was whether the City Attorney's Office violated Sunshine Ordinance Section 67.21 and California Government Code Section 6253.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Task Force finds the testimony of Mr. Clark to be persuasive and finds Sunshine Ordinance Sections 67.29.7 to be applicable to this case. The Task Forces does not find the testimony provided by Mr. Zitrin, City Attorney's Office, persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds Dennis Herrera, Jack Song and Gabriel Zitrin, City Attorney's Office, in violation of Sunshine Ordinance Section 67.29.7 for failure to maintain appropriate records in a businesslike manner. The City Attorney's Office shall appear before the Education Outreach, and Training Committee (EOTC) to discuss billing practices and documentation required as support for billing statements. It is further requested that the City Attorney's Office's have members of their billing department and/or their representative assigned to the Arts Commission attend the EOTC meeting to provide relevant information.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on May 19, 2014, by the following vote: (David/Oka)

Ayes: Knee, Sims, David, Hyland, Oka, Fischer

Noes: Pilpel

Absent: Washburn

A handwritten signature in black ink, appearing to read "L. E. Fischer", with a long horizontal flourish extending to the right.

Louise Fischer, Vice-Chair
Sunshine Ordinance Task Force

c: Nicholas Colla, Deputy City Attorney
William Clark, Complainant
Gabriel Zitrin, City Attorney's Office
Dennis Herrera, City Attorney's Office